

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD OCTOBER 21, 2002 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond Graham, Chairman; Ms. Sharon McCamy, Vice Chairman;
Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Larry L. Weeks; Mr. G.
Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

LIBRARY BOARD STRUCTURE

A work session was held to discuss the Library Board structure. Library Board representative, Barbara Severin, spoke regarding the Library Board structure and future support of the Virginiana Room and other historic resources.

AFFORDABLE HOUSING

A work session was held with staff to discuss potential affordable housing sites within Fauquier County and current legislative authority to encourage the development of affordable housing.

PUBLIC SAFETY RADIO IMPLEMENTATION

A work session was held discuss the status of the Public Safety Radio System implementation. Fire and Rescue Association representative, Butch Grimsley, provided an update on the paging system.

NORTHERN SPORTS FIELD COMPLEX POOL SITE ALTERNATIVES

A work session was held to discuss the site alternatives for the swimming pool at the Northern Sports Field Complex.

FAMILY ACCESS TO MEDICAL INSURANCE (FAMIS) ENROLLMENT PLAN

A work session was held to discuss the Family Access to Medical Insurance (FAMIS) enrollment plan. Phyllis Worrell, Director of Fauquier County Student Services, and Laura Brown of the Department of Social Services, gave an overview of the FAMIS plan. Delegate Scott Lingamfelter joined the discussion via telephone conference call and offered his support for the project.

CLOSED MEETING

Mr. Weeks moved to go into a closed meeting pursuant to Virginia Code § 2.2-3712 for consultation with the County Attorney for purposes of discussion regarding potential property acquisition relating to the Public Safety Radio System, not releasable to the public. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

Upon reconvening from the closed meeting, Mr. Weeks moved to adopt the following certification. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 21st day of October 2002, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

The meeting was reconvened in Regular Session at 6:30 p.m. at The Barn auditorium of Lord Fairfax Community College.

CITIZENS TIME

Mr. Jerry Britton, resident of Poplar Grove Drive, Scott District, expressed his concern about the new truck weight stations on Route 29.

ADOPTION OF THE AGENDA

Ms. McCamy moved to adopt the Agenda, with the following changes. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

- Add to the Consent Agenda item #m, A Resolution Endorsing the Candidacy of Mary Lee Carter for First Vice-President of the Virginia Association of Counties Board of Directors.
- Add to the Consent Agenda item #n, A Resolution Directing the County Administrator to Schedule a Joint Public Hearing with the Town Council for the Town of Warrenton on a Proposed Boundary Adjustment Agreement Adjusting a 65.446 Acre Portion of a Parcel of Land Identified as PIN 6974-62-2223-000 Into the Corporate Limits of the Town.
- Add to the Consent Agenda item #o, A Resolution Supporting the Upgrade of Catlett Volunteer Fire Company's EMS License to Advance Life Support – Transport.
- Remove from the Regular Agenda item #3, A Resolution to Reconsider the Approval of Text Amendment to Section 9-1006 of the Fauquier County Zoning Ordinance Regarding Outdoor Recreational Lighting on Public and Private Athletic Fields, and add this matter to the Consent Agenda as item #p.
- Add to the Consent Agenda item #q, An Ordinance Approving the Revised Amendment to Section 9-1006 (General Requirements for All Zoning Districts) Regarding Outdoor Recreational Lighting.
- Remove from the Regular Agenda item #2, A Resolution to Approve Budgetary Strategies Relating to Anticipated Fiscal Year 2003 and 2004 State Revenue Reductions, and add this matter to the Consent Agenda as item #r.
- Accept a substitute Ordinance for Public Hearing item #e, An Ordinance Approving the Amendment to Section 3-311.5 of the Fauquier County Zoning Ordinance to Add Museums as Special Permit Uses in the Village, Residential-1, Residential-2, Residential-3 and Residential-4 Zoning Districts with Site plan Approval, and Add Section 5-1107 (Additional Standards for Museums).
- Accept a substitute Ordinance for Public Hearing item #i, An Ordinance Amending Section 13.5-3 of the Code of Fauquier County to Add Subsection (D) Prohibiting Excessive Noise Caused by Engine Braking, Except for Responding to Bona Fide Emergency Occurrences.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Graham presented to Cynthia Hair, a Proclamation to Declare October 2002 as Disability Employment Awareness Month.
- Ms. McCamy presented to Michelle Moorehead, a Proclamation to Designate the Week of October 21- 25, 2002 as National Business Women's Week
- Mr. Atherton presented to Alonzo White, a Proclamation to Recognize the Outstanding Contributions of Alonzo White to the Disabled Citizens of Fauquier County.
- Mr. Graham presented to Toby Merchant, a Proclamation to Honor William F. "Toby" and Barbara Merchant Upon the Occasion of the 35th Anniversary of the Opening of The Plains Pharmacy.
- Mr. Winkelmann presented to Jan Selbo and Laura Brown, a Proclamation to Designate November 2002 as FAMIS Enrollment Month.

- Mr. Winkelmann presented to Bruce Hutchison, a Proclamation to Honor Local Businessman Bruce Hutchison for Thirty-Eight Years of Service to the Citizens of Fauquier County.
- Mr. Graham presented to Renée Andersen, a Certificate of Completion for Virginia Municipal Clerk's Institute Training.

CONSENT AGENDA

Ms. McCamy moved to adopt the following Consent Agenda items. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: **Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann**
Nays: **None**
Absent During Vote: **None**
Abstention: **None**

Approval of Minutes for the September 16, 2002 Board of Supervisors Regular Meeting

A Resolution Referring to the Planning Commission for its Review and Recommendation of a Proposed Ordinance Amending Section 2-39(3)(A)(1) of the Fauquier County Subdivision Ordinance Defining the Term "Immediate Family Members" for Purposes of Family Transfer Provisions of the Fauquier County Subdivision Ordinance

RESOLUTION

A RESOLUTION REFERRING TO THE PLANNING COMMISSION FOR ITS REVIEW AND RECOMMENDATION A PROPOSED ORDINANCE AMENDING SECTION 2-39(3)(A)(1) OF THE FAUQUIER COUNTY SUBDIVISION ORDINANCE DEFINING THE TERM "IMMEDIATE FAMILY MEMBERS" FOR PURPOSES OF FAMILY TRANSFER PROVISIONS OF THE FAUQUIER COUNTY SUBDIVISION ORDINANCE

WHEREAS, Section 2-39(3)(A)(1) of the Fauquier County Subdivision Ordinance currently permits family transfers to a child, grandchild, or parent of the owner or owners of a parcel of land; and

WHEREAS, Virginia Code §15.2-2244, 1950, as amended, defines a member of the "immediate family" for purposes of a family transfer as being the "natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent of the owner"; and

WHEREAS, Section 15.2-2244 of the Code of Virginia also permits counties to include within the definition of "immediate family" for purposes of family transfers, aunts, uncles, nieces and nephews; and

WHEREAS, the Board of Supervisors wishes to receive the Planning Commission's review and recommendation on a proposed Ordinance amending Section 2-39(3)(A)(1) to expand the definition of "immediate family" to include spouses, siblings, aunts, uncles, nieces and nephews; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002, That the draft Ordinance amending Section 2-39(3)(A)(1) of the Fauquier County Subdivision Ordinance be, and is hereby, referred to the Planning Commission for its review and recommendation.

A Resolution to Authorize a Public Hearing to Amend the FY 2002 Adopted Budget in the Amount of \$308,469 and the FY 2003 Adopted Budget in the Amount of \$547,013

RESOLUTION

A RESOLUTION AUTHORIZING A PUBLIC HEARING TO AMEND THE
FY 2002 ADOPTED BUDGET IN THE AMOUNT OF \$308,469 AND THE FY 2003
ADOPTED BUDGET IN THE AMOUNT OF \$547,013

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2002 Budget on March 19, 2001 and FY 2003 Budget on March 25, 2002; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee has recommended FY 2002 appropriation of \$308,469 and FY 2003 appropriation of \$334,599 and transfer of \$212,414 for the following purposes:

| Amount | Source of Funds | Issue |
|---------------|------------------------------------|---|
| FY 2002 | | |
| \$308,469 | Land Use Roll Back | Purchase of Development Rights Program |
| FY 2003 | | |
| \$1,200 | Local Donation | Purchase Radar Unit for Sheriff's Office |
| \$3,952 | Carryover – Fund Balance | Local Law Enforcement Block Grant |
| \$14,232 | Federal Funds | Local Law Enforcement Block Grant |
| \$2,412 | Carryover – Fund Balance | Seizure Funds – Commonwealth Attorney's Office |
| \$500 | Insurance Proceeds | Reimbursement of Expenses |
| \$3,369 | Donations | Swimming Pool, Vint Hill |
| \$100,000 | General Fund | Purchase of Development Rights Program |
| \$134,423 | Bond Proceeds | New Middle School Construction – Schools |
| \$5,490 | Fees | Summer Enrichment – Schools |
| \$16,228 | State Funds | Individualized Student Alternative Education – Schools |
| \$30,608 | Contingency Reserve | Building Office Space Rental – Registrar |
| \$150,000 | Capital Improvements Program (CIP) | Modular Classrooms at Fauquier and Liberty High Schools – Schools |
| | Transfer | |

| | | |
|----------|----------------------|---|
| \$60,966 | Construction Reserve | Brumfield Elementary Roof Repair |
| \$23,633 | CIP Transfer | Mary Walter Waste Water Treatment – Schools |

\$855,482

TOTAL

; and

WHEREAS, the Code of Virginia requires local jurisdictions to hold a public hearing for any amendment to the adopted budget exceeding the lesser of \$500,000 or 1% of the total budget; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002, That the County Administrator be, and is hereby, directed to advertise a public hearing to consider amending the Fauquier County FY 2002 Budget in the amount of \$308,469 and FY 2003 Budget in the amount of \$547,013.

A Resolution to Authorize the Refunding of Bonds Issued in 1993 for Landfill Improvements

**RESOLUTION AUTHORIZING THE AMENDMENT OF THE
FINANCING AGREEMENT DATED AS OF MAY 1, 1993 BETWEEN
THE COUNTY AND THE VIRGINIA RESOURCES AUTHORITY
EXECUTED IN CONNECTION WITH THE ISSUANCE OF THE
COUNTY OF FAUQUIER, VIRGINIA SOLID WASTE
MANAGEMENT SYSTEM REVENUE BONDS, SERIES OF 1993**

Comment: ATTENTION: Please note that this document was reconstructed to correct inherent conversion issues. While care has been taken to ensure that all formatting unique to this document was preserved, you should, nonetheless, review all document formats -- particularly those for numbered paragraphs, Tables of Contents, and any user-defined styles you may have created in this document. Additionally, all automatic numbering has been turned to accurate textual numbers. Contact the Help Desk at Extension 1234 should you have any further questions.

WHEREAS, the County of Fauquier, Virginia (the "County") is a political subdivision of the Commonwealth of Virginia;

WHEREAS, on May 26, 1993, the Virginia Resources Authority ("VRA") issued its \$5,350,000 Solid Waste Disposal System Revenue Bonds, 1993 Series A (the "Refunded VRA Bonds") pursuant to an Indenture of Trust, dated as of May 1, 1993 (the "Prior Indenture") between VRA and SunTrust Bank (as successor to Signet Trust Company), as trustee (the "Prior Trustee");

WHEREAS, VRA used a portion of the proceeds of the Refunded VRA Bonds to acquire from the County its Solid Waste Management System Revenue Bonds, Series of 1993 (the "Local Bonds") in the original principal amount of \$4,880,000, all pursuant to a Financing Agreement dated as of May 1, 1993 (the "Financing Agreement") between the County and VRA;

WHEREAS, VRA intends to issue up to \$46,000,000 of its Infrastructure Revenue Bonds (Pooled Loan Bond Program), Series 2002B (the "Series 2002B VRA Bonds"), and to use a portion of the proceeds thereof to refund, defease and redeem the Refunded VRA Bonds pursuant to a Master Indenture of Trust dated as of March 1, 2000, as previously supplemented and amended and as further supplemented by a Sixth Supplemental Indenture of Trust dated as of October 15, 2002 (the "Indenture") between VRA and Wachovia Bank, National Association, as trustee (the "Trustee");

WHEREAS, the refunding of the Refunded VRA Bonds and the issuance of the Series 2002B VRA Bonds is expected to result in considerable debt service savings to the County;

WHEREAS, in connection with the issuance of the Series 2002B VRA Bonds, the Local Bonds will be transferred from the Prior Trustee to the Trustee on behalf of VRA;

WHEREAS, a draft of an Amendment Agreement (the "Amendment Agreement") between VRA and the County, which provides, among other things, for the amendment and waiver of certain provisions of the Financing Agreement, the transfer of the Local Bonds to the Trustee and the reduction in debt service payments thereunder, has been presented at this meeting;

WHEREAS, a form of an Allonge (the "Allonge"), which shall be attached to each outstanding Local Bond, evidencing the amendment of certain terms and the reduction in debt service payments of the Local Bonds, has been presented at this meeting;

WHEREAS, it appears to be in the best interests of the County and the residents of its service areas to amend the Financing Agreement as set forth in the Amendment Agreement ;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAUQUIER, VIRGINIA:

- Authorization of Amendment Agreement and Form of Allonge. The Board of Supervisors of the County (the "Board") determines that it is in the best interest of the County to execute and deliver the Amendment Agreement and an Allonge for each outstanding Local Bond. The County authorizes the execution and delivery of the Amendment Agreement, provided that the resulting debt service on the Local Bonds from such amendments will result in a present debt service savings of at least 5.00%.
- Approval of Amendment Agreement. The form of the Amendment Agreement submitted to this meeting is approved. The Chairman and Vice-Chairman of the Board, either of whom may act, are authorized to execute the Amendment Agreement in substantially such form, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Chairman or Vice-Chairman, whose approval shall be evidenced conclusively by the execution and delivery thereof. All capitalized terms used but not otherwise defined herein shall have the same meaning as set forth in the Amendment Agreement.
- Execution of Allonges. The form of the Allonge submitted to this meeting is hereby approved. The Chairman and Vice-Chairman of the Board, either of whom may act, are hereby authorized and directed to execute and deliver an Allonge in substantially such form with respect to each Local Bond then outstanding to reflect the same amended terms, as appropriate, as contained in the Amendment Agreement, together with such other completions, omissions, insertions and changes not inconsistent with this Resolution and the Amendment Agreement as may be approved by the Chairman or Vice-Chairman, whose approval shall be evidenced conclusively by the execution and delivery thereof. The Clerk of the Board is hereby authorized to countersign each Allonge and affix the seal of the County thereon.
- Transfer and Waiver of Redemption Provisions of Local Bonds. The County agrees and consents to the defeasance and redemption of the Refunded VRA Bonds, the termination of the Prior Indenture and the transfer of the Local Bonds from the Prior Trustee to the Trustee. The County agrees to waive any right to optional redemption of the Local Bonds to the extent necessary to conform with the requirements of the Amendment Agreement.

- **Arbitrage Covenants.** As provided in the Financing Agreement, the County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Local Bonds to be "arbitrage bonds," within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations applicable to the Local Bonds (the "Code"), or otherwise cause interest on the Local Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Local Bonds, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Local Bonds from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law.
- **Other Actions.** All other actions of officers of the County in conformity with the purposes and intent of this Resolution and in furtherance of the execution and delivery of the Amendment Agreement and the Allonges are ratified, approved and confirmed. The officers of the County are authorized and directed to execute and deliver all certificates and other instruments, including, but not limited to, an IRS Form 8038-G, considered necessary or desirable in connection with the execution and delivery of the Amendment Agreement and the Allonges pursuant to this Resolution.

Effective Date. This Resolution shall become effective immediately. The County Attorney is hereby authorized and directed to file a certified copy of this Resolution in the office of the County and with the Clerk of the Circuit Court of the County.

A Resolution to Authorize Right-of-Way Dedication to the Virginia Department of Transportation (VDOT): Airport Project-Relocation of a Portion of Route 648

RESOLUTION

**A RESOLUTION TO AUTHORIZE RIGHT-OF-WAY DEDICATION TO
THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT):
AIRPORT PROJECT-RELOCATION OF A PORTION OF ROUTE 648**

WHEREAS, it is necessary to relocate a portion of Route 648 in conjunction with Warrenton-Fauquier Airport improvements; and

WHEREAS, a plat of street dedication has been prepared; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002, That the County Administrator be, and is hereby, authorized to execute the October 1, 2002 plat conveying right-of-way to the Virginia Department of Transportation for the relocation of a portion of Route 648.

An Order to Abandon a Portion of Enon School Road Which Has Been Discontinued for Maintenance and is Not Currently in the State Secondary Systems of Highways

ORDER

AN ORDER TO ABANDON A PORTION OF ENON SCHOOL ROAD WHICH HAS BEEN DISCONTINUED FOR MAINTENANCE AND IS NOT CURRENTLY IN THE STATE SECONDARY SYSTEMS OF HIGHWAYS

WHEREAS, a section of Enon School Road (Virginia Route 741) from its intersection with the southern boundary of a ten-acre parcel of land identified as PIN #6957-97-7294 to its terminus (a distance of 0.20 miles, more or less), while dedicated, has never been improved and formally taken into the Virginia State Secondary System of Highways, said portion of road being shown on that certain Fauquier County Geographic Information Systems Plat dated March 5, 2002 and titled "Enon School Rd. Portion to be Abandoned"; and

WHEREAS, Virginia Code Title 33.1, Chapter 1, Article 12, Sections 33.1-156 *et seq.* set forth a procedure by which roads not in the State Highway System or Secondary System may be abandoned; and

WHEREAS, the Fauquier County Transportation Committee has received requests from citizens of the County to abandon the aforesaid section of road; and

WHEREAS, after consultation with appropriate officials from the Virginia Department of Transportation and a review of the pertinent facts and circumstances, the Fauquier County Transportation Committee does unanimously recommend the abandonment of the aforesaid section of road; and

WHEREAS, based upon the recommendation of the Transportation Committee, the Board of Supervisors wishes to abandon the aforesaid portion of road; and

WHEREAS, the Board of Supervisors has given notice of its intention to abandon the aforesaid portion of road in conformance with Section 33.1-151 of the Code of Virginia; and

WHEREAS, the Board of Supervisors finds that no public necessity exists for the continuance of the section of the secondary road as a public road; now, therefore, be it

ORDERED by the Fauquier County Board of Supervisors this 21st day of October 2002, That the Fauquier County Board of Supervisors does hereby abandon the section of Enon School Road (Virginia Route 741) from its intersection with the southern boundary of a ten-acre parcel of land, identified as PIN #6957-97-7294, to its terminus (a distance of 0.20 miles, more or less); and, be it

ORDERED FURTHER, That this abandonment action be conditioned on, and effective with, the recorded plats which established two 50-foot wide private access easements for the affected properties through which this abandoned section of Enon School Road passed [Recorded Plat References: BK 831 PG 1440; BK 631 PG 1831-1834].

A Resolution Authorizing Adding the Position Titles of Litter Control/Recycling Laborer and Litter Control/Recycling Team Leader to the Fauquier County Government Position Classification and Compensation Plan

RESOLUTION

A RESOLUTION AUTHORIZING ADDING THE POSITION TITLES OF LITTER CONTROL/RECYCLING LABORER AND LITTER CONTROL/RECYCLING TEAM LEADER TO THE FAUQUIER COUNTY GOVERNMENT POSITION CLASSIFICATION AND COMPENSATION PLAN

WHEREAS, the Department of Environmental Services was allocated three additional positions; and

WHEREAS, the Board of Supervisors has approved and adopted a Position Classification and Compensation Plan prepared and maintained by DMG-MAXIMUS, Incorporated; and

WHEREAS, DMG-MAXIMUS analyzed the three positions and recommended the following position titles and grades:

| <u>Position Title</u> | <u>Position Grade</u> |
|--------------------------------------|-----------------------|
| Litter Control/Recycling Laborer | 16 (two positions) |
| Litter Control/Recycling Team Leader | 20 |

; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002, That the position titles of Litter Control/Recycling Laborer, grade 16 and Litter Control/Recycling Team Leader, grade 20, be added to the Fauquier County Government Position Classification and Compensation Plan.

A Resolution to Amend the Airport Budget and to Authorize a Position for Building and Grounds Maintenance

RESOLUTION

A RESOLUTION TO AUTHORIZE A POSITION FOR BUILDING AND GROUNDS MAINTENANCE FOR THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, the new Fixed Base Operator (FBO) agreement at the Warrenton-Fauquier Airport has shifted responsibility to Fauquier County to maintain airport public properties; and

WHEREAS, this agreement has also provided additional funding from airport operations to support this requirement; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002, That a position of Shop B Laborer be, and is hereby, authorized and assigned to the Department of General Services for the maintenance of public property at the Warrenton-Fauquier Airport.

A Resolution to Request that the Fauquier County School Board Install School Zone Warning Signs with Flashing Sign Posts Along the Route 17 Medians Near Liberty High School

RESOLUTION

A RESOLUTION TO REQUEST THAT THE FAUQUIER COUNTY SCHOOL BOARD INSTALL SCHOOL ZONE WARNING SIGNS WITH FLASHING SIGN POSTS ALONG THE ROUTE 17 MEDIANS NEAR LIBERTY HIGH SCHOOL

WHEREAS, Liberty High School is located at the intersection of Route 17 and Route 28;
and

WHEREAS, the entrance to the student parking lot is accessed at an uncontrolled
intersection of Route 17 and Independence Avenue, a private street; and

WHEREAS, the location of school zone warning signs with flashing sign posts in the
median for the northbound and southbound lanes would reduce the legal speed limit and alert
oncoming traffic of Liberty High School; and

WHEREAS, the Transportation Committee recommends that the Board of Supervisors
request the Fauquier County School Board to install school zone warning signs with flashing
sign posts advising motorists of Liberty High School; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002,
That the Chairman of the Board of Supervisors be, and is hereby, authorized to request the
Fauquier County School Board to install school zone warning signs with flashing sign posts
along the median of the northbound and southbound lanes of Route 17.

A Resolution to Request the Virginia Department of Transportation Add a Portion of Woodlawn Lane to the Secondary System of State Highways

RESOLUTION

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION ADD A PORTION OF WOODLAWN LANE TO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the street described below was dedicated to public use by a Deed of
Dedication dated January 13, 1956, and recorded in Deed Book 194 at Page 67, and currently
serves at least three families per mile; and

WHEREAS, the Virginia Department of Transportation has deemed this County's current
subdivision control ordinance meets all necessary requirements to qualify this County to
recommend additions to the Secondary System of State Highways pursuant to Section 33.1-
72.1(D) of the Code of Virginia, 1950, as amended; and

WHEREAS, after examining the ownership of all property abutting the street, this Board
finds that speculative interest does not exist; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October
2002, That the Board of Supervisors requests the following street be added to the Secondary
System of State Highways pursuant to Section 33.1-72.1(D) of the Code of Virginia, 1950, as
amended:

- (1) A portion of Woodlawn Lane from its intersection with Rock Springs Road to its intersection with Albrecht Lane, a distance of approximately 0.11 miles

all as shown on that certain plat of survey by R. M. Bartenstein recorded in Deed Book 194 page 67 among the land records of Fauquier County, Virginia; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors requests the Virginia Department of Transportation to improve said streets to the prescribed minimum standards, funding improvements pursuant to Section 33.1-72.1(D) of the Code of Virginia, 1950, as amended; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

A Resolution to Request the Virginia Department of Transportation Add Streets of Lake Whippoorwill Subdivision, Section 2, Phases 4 and 5, to the Secondary System of State Highways

RESOLUTION

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION
ADD STREETS OF LAKE WHIPPOORWILL SUBDIVISION, SECTION 2,
PHASES 4 AND 5, TO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, certain streets on site location map titled "Lake Whippoorwill Subdivision, Section 2, Phases 4 & 5" dated October 9, 2002, and described on Additions Form SR-5 (A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above streets serve a genuine public need; and

WHEREAS, on February 7, 1995, Fauquier County and the Virginia Department of Transportation have entered into an agreement for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets in the State Highway Secondary System for maintenance, as provided in Sec. 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That this Board does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty feet in the Lake Whippoorwill Subdivision, Section

2, Phases 4 & 5, with necessary easements for cuts, fills, and drainage; as recorded in Deed Book 805, Page 225, dated May 14, 1998, in Deed Book 872, Page 1167, dated July 13, 2000, and in Deed Book 878, Page 1540, dated October 2, 2000; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Consider Preliminary Subdivision Application #PP03-CR-03, Vint Hill, Land Bay S, Cedar Run Magisterial District

No action required.

A Resolution Endorsing the Candidacy of Mary Lee Carter for First Vice-President of the Virginia Association of Counties Board of Directors

RESOLUTION

A RESOLUTION ENDORSING THE CANDIDACY OF MARY LEE CARTER FOR FIRST VICE-PRESIDENT OF THE VIRGINIA ASSOCIATION OF COUNTIES BOARD OF DIRECTORS

WHEREAS, Mary Lee Carter is a duly elected member of the Spotsylvania County Board of Supervisors; and

WHEREAS, Mary Lee Carter is willing to serve as First Vice-President of the Virginia Association of Counties; and

WHEREAS, recognizing the service, accomplishments and qualifications of Mary Lee Carter, the Board of Supervisors wishes to express publicly its support for the election of Mary Lee Carter; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002, That the Board does hereby endorse the candidacy of Mary Lee Carter to serve as First Vice-President of the Virginia Association of Counties; and, be it

RESOLVED FURTHER, That a copy of this resolution be forwarded to James D. Campbell, Executive Director of the Virginia Association of Counties.

A Resolution Directing the County Administrator to Schedule a Joint Public Hearing with the Town Council for the Town of Warrenton on a Proposed Boundary Adjustment Agreement Adjusting a 65.446 Acre Portion of a Parcel of Land Identified as PIN #6974-62-2223-000 Into the Corporate Limits of the Town

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A JOINT PUBLIC HEARING WITH THE TOWN COUNCIL FOR THE TOWN OF WARRENTON ON A PROPOSED BOUNDARY ADJUSTMENT AGREEMENT ADJUSTING A 65.446 ACRE PORTION OF A PARCEL OF LAND IDENTIFIED AS

PIN #6974-62-2223-000 INTO THE CORPORATE LIMITS OF THE TOWN.

WHEREAS, the Town of Warrenton has contracted to purchase a 65.446 acre portion of a tract of land identified as PIN 6974-62-2223-000 as shown on that certain plat entitled "Plat Showing Exhibit 'A' Acreage to be Conveyed to St. Leonards Farm, Inc., a Virginia Corporation, Deed Book 311 Page 611 to the Town of Warrenton," said plat by S. W. Marsh, L.S., and dated August 27, 2002; and

WHEREAS, the aforesaid 65.446 acres is currently located in the Marshall District of Fauquier County, Virginia; and

WHEREAS, the Town of Warrenton has requested that the aforesaid 65.446 acres be boundary adjusted into the corporate limits of the Town of Warrenton; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October, 2002, That the County Administrator be, and is hereby, authorized to schedule a joint public hearing with the Town Council for the Town of Warrenton on a proposed boundary adjustment agreement adjusting a 65.446 acre portion of a parcel of land located in the Marshall Magisterial District, said parcel being identified as a portion of PIN 6974-62-2223-000, as shown on that certain plat entitled " Plat Showing Exhibit 'A' Acreage to be Conveyed to St. Leonards Farm, Inc., a Virginia Corporation, Deed Book 311 Page 611 to the Town of Warrenton," said plat by S. W. Marsh, L.S., and dated August 27, 2002.

A Resolution Supporting the Upgrade of Catlett Volunteer Fire Company's EMS License to Advanced Life Support – Transport

RESOLUTION

A RESOLUTION SUPPORTING THE UPGRADE OF CATLETT VOLUNTEER FIRE COMPANY'S EMS LICENSE TO ADVANCED LIFE SUPPORT – TRANSPORT

WHEREAS, in September 1995, the Catlett Volunteer Fire Company obtained its EMS Non-Transport Basic Life Support License; and

WHEREAS, in August 1999, the Catlett Volunteer Fire Company upgraded its EMS Non-Transport License from Basic to Advanced Life Support; and

WHEREAS, the Catlett Volunteer Fire Company wishes to assist the Cedar Run Volunteer Rescue Squad by upgrading their license to Advanced Life Support – Transport; and

WHEREAS, the Volunteer Fire and Rescue Association has endorsed this upgrade; and

WHEREAS, this will enable the Catlett Volunteer Fire Company to place into service a transport ambulance equipped with Advanced Life Support; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002, That the Board of Supervisors supports the upgrade of Catlett Volunteer Fire Company's EMS license to Advanced Life Support – Transport; and, be it

RESOLVED FURTHER, That the Virginia Office of Emergency Medical Services is hereby requested to issue the licensure update; and, be it

RESOLVED FURTHER, That at such time as the Catlett Volunteer Fire Company and the Cedar Run Rescue Squad may create a merger of their operational organizations, there be issued one license as one agency; and, be it

RESOLVED FINALLY, That the Fauquier County Board of Supervisors directs the County Administrator to initiate actions to amend relevant Sections of the Code of Fauquier County pursuant to the above.

A Resolution to Reconsider the Approval of Text Amendment to Section 9-1006 of the Fauquier County Zoning Ordinance Regarding Outdoor Recreational Lighting on Public and Private Athletic Fields

RESOLUTION

A RESOLUTION TO RECONSIDER THE TEXT AMENDMENT TO SECTION 9-1006 OF
THE FAUQUIER COUNTY ORDINANCE CONCERNING
OUTDOORS RECREATIONAL LIGHTING

WHEREAS, on August 19, 2002, the Fauquier County Board of Supervisors held a public hearing on the proposed text amendment; and

WHEREAS, on September 16, 2002, the Board of Supervisors approved the amendment to Section 9-1006 of the Fauquier County Zoning Ordinance; and

WHEREAS, questions have arisen on a possible conflict between the Zoning Ordinance and the Fauquier County Code regarding the authority of the Director of Parks and Recreation regarding after hours events; and

WHEREAS, the Board of Supervisors agrees to reconsider the approved amendment to Section 9-1006; and

WHEREAS, language will be added to resolve the appearance of any possible conflict; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002, That the Fauquier County Board of Supervisors will reconsider the previously approved Zoning Ordinance text amendment to Section 9-1006.

An Ordinance Approving the Revised Amendment to Section 9-1006 (General Requirements for All Zoning Districts) Regarding Outdoors Recreational Lighting

ORDINANCE

AN ORDINANCE APPROVING THE REVISED AMENDMENT TO SECTION 9-1006
(GENERAL REQUIREMENTS FOR ALL ZONING DISTRICTS) REGARDING OUTDOORS
RECREATIONAL LIGHTING

WHEREAS, Section 9-1000 of the Fauquier County Zoning Ordinance regulates outdoor light control; and

WHEREAS, on March 28, 2002, the Fauquier County Planning Commission held a public hearing to amend Section 9-1006 regarding regulations for outdoor recreational lighting; and

WHEREAS, on June 27, 2002, the Fauquier County Planning Commission voted to forward the Zoning Ordinance text amendment to the Board of Supervisors with a recommendation for approval; and

WHEREAS, on August 19, 2002, the Fauquier County Board of Supervisors held a public hearing; and

WHEREAS, on September 16, 2002, the Board of Supervisors approved the Zoning Ordinance text amendment; and

WHEREAS, questions arose concerning a possible conflict between the curfew elements of the text amendment and the Fauquier County Code, which allows the Director of Parks and Recreation to issue permits for activities that will extend past usual facility hours; and

WHEREAS, on October 21, 2002, the Board of Supervisors voted to reconsider the approved text amendment to allow the insertion of language to clarify any misperception concerning the regulations of the Zoning Ordinance and the Fauquier County Code; and

WHEREAS, the Fauquier County Board of Supervisors believes this revised amendment will be in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 21st day of October 2002, That Section 9-1006.1 f be amended regarding outdoor recreational lighting. The section will be amended to read as follows:

Section 9-1006

General Requirements for all Zoning Districts

1. Public or Private Recreational Facilities. Outdoor nighttime recreational events have unique and site specific lighting needs. The regulations in this section are intended to permit adequate illumination for such events, while minimizing skyglow, reducing glare and lighting spillover onto surrounding streets and properties.
 - a. Primary Playing Areas with the exception of residential accessory uses.
 - (1.) Where playing fields or other recreational areas are to be illuminated, lighting fixtures shall be specified, ~~in the Lighting Plan, mounted and aimed so that the illumination falls within the primary playing area and immediate surroundings so that no direct light illumination is directed off site~~ mounted, and aimed so that their beams fall within the primary playing area. Direct illumination shall be confined to within the property lines of the recreational use. Full light

cutoff shall be required. No lighting shall be emitted above the horizontal plane of the luminary, and the average maintained illumination levels must be within the parameters of the activity recommended by the Illumination Engineering Society of North America (IESNA).

- (2.) A sports complex or athletic field lighting design plan shall be submitted, which demonstrates in detail the proposed lighting installation.

~~b. Recreation Parking Areas. Lighting for these parking areas shall meet the requirements identified in 9-1006.5.~~

b. For each athletic field or complex to be illuminated, a lighting design plan shall be submitted which demonstrates in detail the property lighting installation. The design plan shall include the lighting requirements for each sports field, the specifications and technical measures showing how those requirements will be achieved. Special tree planting and/or buffering to assist in light control and protection of adjacent properties and roadways shall be included. Parking lot lighting requirements are included in Section 9-1006, 5., and entitled All Parking Lots, Loading and Display Areas.

c. Outdoor recreational lighting is not permitted in the Rural Conservation (RC) Zoning Districts, or within 1,000 feet from the Rural Conservation (RC) zoning line.

d. All applications for lighted outdoor recreational facilities shall include a computer generated light level grid in conjunction with a site plan for the proposed field and associated facilities.

e. A certified lighting designer or manufacturer's representative shall evaluate the completed installation and shall certify that the installation meets the shielding, illumination and light standards contained herein.

f. Event Hours. All events shall be scheduled so as to complete all activity before or as near to 11:00 p.m. as practical, but under no circumstances shall any illumination of the playing field, court or track be permitted after 11:00 p.m. except to conclude an event that was reasonably scheduled to conclude prior to 11:00 p.m. No event shall be permitted after 11:00 p.m., unless a valid permit is issued by the Director of Parks and Recreation in accordance with the Fauquier County Code.

All newly lighted fields, or existing fields being upgraded or refitted, (public or private) shall be equipped with override

timing devices which will automatically cut off the lights to ensure curfew compliance.

- g. A modification, waiver or variation from the standards set forth in this article may be granted by the Board of Supervisors, with Planning Commission recommendation. Both the Board of Supervisors and the Planning Commission shall hold a public hearing on the proposed modification, waiver or variation.

The Board of Supervisors may modify or waive any standard set forth in Article 9 for an individual case, and it may impose conditions on such a modification or waiver which it deems appropriate to further the purposes of these outdoor recreational lighting regulations, in either of the following circumstances:

- (1) Upon finding the strict application of the standard would not forward the purposes of this chapter, or that alternatives proposed by the applicant would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree.
- (2) Upon finding that any outdoor fixture, or system of outdoor fixtures, required for an athletic field cannot reasonably comply with the standard and provide safe and sufficient illumination of the field, as determined by the recommended practices adopted by the Illuminating Engineering Society of North America for that type of field or activity.

- h. Required Notice for Public Hearing, Written Notice to Applicant/Owners and Written Notice to Adjacent Property Owners shall be in accord with Section 13-111 4. Of the Zoning Ordinance for all requests to modify, waive or vary the light requirements as set forth in this section.

A Resolution to Approve Budgetary Strategies Relating to Anticipated Fiscal Year 2003 and 2004 State Revenue Reductions

RESOLUTION

A RESOLUTION TO APPROVE BUDGETARY STRATEGIES RELATING TO
ANTICIPATED FISCAL YEAR 2003 AND FISCAL YEAR 2004
STATE REVENUE REDUCTIONS

WHEREAS, on August 19, 2002, Governor Mark Warner announced a \$1.5 billion revenue shortfall in the State's two-year budget cycle; and

WHEREAS, in response to the \$1.5 billion shortfall, Governor Warner has initiated a plan of action at the State level to freeze all discretionary spending, continue the State hiring freeze, place a moratorium on the approval of any new capital project construction or consulting contracts, place State agencies on a monthly spending limit and directed reduction plans of up to 15 percent be developed in all agencies of State government; and

WHEREAS, local governments have been advised that all aspects of the State budget will be significantly impacted, including support to local government operations and schools, and that the specific programmatic impacts may not be known until late October or November of 2002; and

WHEREAS, the Board of Supervisors held a work session and determined that it is necessary and appropriate to initiate certain budgetary strategies effective immediately to increase its ability to effectively respond to the Fiscal Year 2003 and Fiscal Year 2004 State revenue reductions; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002, That the Fauquier County Board of Supervisors does hereby adopt the following budgetary strategy relating to anticipated Fiscal Year 2003 and Fiscal Year 2004 State revenue reductions:

1. All permanent General Government positions becoming vacant require County Administration approval to be filled.
2. Effective immediately, there shall be a moratorium on the creation of new positions or other expenses that constitute discretionary new programs or an expansion of mission outside of the annual budget cycle.
3. The County Administrator is directed to initiate a detailed review of capital project balances and related operating costs.
4. Effective immediately, there shall be a moratorium on the further appropriation of unobligated FY 2002 carryover balances for both the General Government and School Division, except to address specific State reductions, until the mid-year revenue and expenditure review.
5. Following the identification of the areas and amounts of State funding reduction, the County Administrator is hereby directed to prepare a detailed response plan for FY 2003 for consideration by the Board of Supervisors. This plan shall be presented to the Board no later than December 2002.
6. Any identified State funding reductions for FY 2004 will be addressed as part of the FY 2004 Budget process.

**A RESOLUTION AUTHORIZING THE REVISION OF HUMAN RESOURCES
POLICY 17, EMPLOYEE PERFORMANCE EVALUATION**

Mr. Winkelmann moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*

Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION AUTHORIZING THE REVISION OF HUMAN RESOURCES POLICY 17, EMPLOYEE PERFORMANCE EVALUATION

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of evaluating employee job performance; and

WHEREAS, the Employee Performance Evaluation Policy provides the means whereby the performance of each Fauquier County Government employee is evaluated; and

WHEREAS, the Performance Evaluation Policy includes a provision for periodic review of the Fauquier County Government performance evaluation system; and

WHEREAS, such a review was conducted with a resulting recommendation made to change the employee performance cycle from July 1 through June 30 of each year to June 1 through May 31; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002, That the revisions made to Human Resources Policy 17, Employee Performance Evaluation, be, and are hereby, approved effective October 21, 2002.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Parks and Recreation Board – David Graham, Jr., Marshall District Representative, term to expire September 30, 2003
- Parks and Recreation Board – George Muschamp, Lee District Representative, term to expire September 30, 2004
- Parks and Recreation Board – Carl Bailey, term to expire September 30, 2005
- Parks and Recreation Board – Debbie Reedy, Scott District Representative, term to expire September 30, 2006
- Disability Services Board – Ted Pruiksma, term to expire February 31, 2003
- Disability Services Board – Wayne Harne, term to expire February 19, 2005
- Economic Development Advisory Council – Phil Tribble, term to expire December 31, 2003
- Tourism Advisory Committee – Jackson Padgett, Cedar Run District Representative; Carlotta Pucket, Cedar Run Representative; Linda Robinson, Lee District Representative;

Mary Root, Lee District Representative; Tareq Salahi, Marshall District Representative; John Toler, Member at Large; Leslie VanSant, Scott District Representative; Anne-Marie Walsh, Member at Large; Karen Hughes White, Scott District Representative; Jack Whiting, Marshall District Representative; Becky Crouch, Member at Large; Susannah Grove, Cedar Run District Representative; Tom Harris, Marshall at Large; Cindy Isom Mueller, Center District Representative; Jess Lowry, Marshall District Representative; Patti Meagher, Member at Large; Peter Mitchell, Member at Large; Tracy Mullen, Marshall District Representative; Dan Neja, Member at Large (terms to be determined)

SUPERVISORS TIME

- Mr. Winkelmann expressed his disappointment and concern that the Virginia Association of Counties (VACo) Board of Directors had endorsed a proposed tax increase in Virginia.
- Ms. McCamy discussed inconsistencies with concealed weapons permits in Fauquier County Parks and asked Mr. Winkelmann to address the issue with the Parks & Recreation Board.
- Mr. Graham described his attendance at a recent NAACP banquet, and quoted the guest speaker as saying, "Where there is no struggle, there is no progress." He also discussed affordable housing issues and stated the Board of Supervisors will approach the General Assembly regarding legislation allowing the County to authorize affordable housing. Mr. Graham also announced that the Fauquier Delegate Caucus, would meet on November 19, 2002 at the Parish Hall in Cedar Run, and the public was invited to attend.

ANNOUNCEMENTS

- Mr. Lee announced that the next regular Board of Supervisors meeting would be held at The Barn at Lord Fairfax Community College beginning at 6:30 p.m. on November 18, 2002. He further announced that the December 16, 2002, regular meeting of the Board of Supervisors would be held at M.M. Pierce Elementary School in Remington, Virginia.

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-S-21, LLEWELLYN J. EVANS, OWNER/APPLICANT, PINS #6995-15-0169-000, #6995-15-0974-000 AND #6995-15-4081-000, SCOTT MAGISTERIAL DISTRICT

A public hearing was held to consider an application to obtain special exception approval under Category 23 of the Zoning Ordinance, which would allow for crossing of a floodplain and a stormwater management facility in the floodplain. The property contains 47.56 acres, is zoned Residential-1 (R-1), and is located on Airlie Road (Route 605), in Scott Magisterial District. Rick Carr, Director of Community Development, provided a summary of the special exception application. Peter Neal, representing the owner/applicant, spoke in favor of the special exception application. Ken Kitter, consultant for the owner/applicant, spoke in favor of the special exception application. Manny Alvarez, Scott District, stated he was an engineer and resident of Warrenton Lakes, and urged the Board to closely review the floodplain study and hydro-geologic reports before making a final decision. Chuck Medvitz, Scott District, spoke in opposition to the application. No one else spoke. The public hearing was closed. Mr. Weeks moved to table a decision on this matter until the next regularly scheduled meeting on November 18, 2002. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

A RESOLUTION TO APPROVE PRELIMINARY PLAT #PP02-C-23 - WHITE'S MILL, LELAND ROAD INVESTMENTS, LLC, OWNER AND PULTE HOMES, APPLICANT, PIN'S #6984-85-3809-000, #6984-96-1407-000, AND #6984-98-0388-000 CENTER MAGISTERIAL DISTRICT

A public hearing was held to consider a preliminary plat application pursuant to Zoning Ordinance Category 23 (Floodplain Uses), to allow fill in the floodplain associated with the construction of pedestrian bridges and a trail system, stormwater management facilities, utilities, and development of up to six (6) lots. This special exception request is a companion application to a proposed preliminary subdivision of a single-family detached residential development of 158 lots located east of the Town of Warrenton on approximately 148 acres. The property is positioned on the north side of Academy Hill Road (Route 678), east of the Warrenton By-Pass (U.S. Routes 15/17/29), south of Routes 15/29, along both sides of Movern Lane and west of Comfort Inn Drive, in the Warrenton Service District. Rick Carr, Director of Community Development, provided a summary of the special application. Mr. Neil representing the applicant, spoke in favor of the project. Mary Moran, president of Warrenton Lakes Homeowners Association, spoke in opposition to the special exception application. Kitty Smith, Marshall District, spoke in opposition to the special exception application. Chuck Medvitz, Scott District, spoke in opposition to the special exception application. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE PRELIMINARY PLAT #PP02-C-23 - WHITE'S MILL, LELAND ROAD INVESTMENTS, LLC, OWNER AND PULTE HOMES, APPLICANT, PIN'S #6984-85-3809-000, #6984-96-1407-000, AND #6984-98-0388-000 CENTER MAGISTERIAL DISTRICT

WHEREAS, Leland Road Investments, LLC, owner and Pulte Homes, applicant, have submitted a preliminary subdivision plat for White's Mill for 158 single-family lots on Parcel Identification Numbers 6984-85-3809-000, 6984-96-1407-000, AND 6984-98-0388-000; and

WHEREAS, the Fauquier County Planning Commission voted to approve Preliminary Plat #PP02-C-23 – White's Mill, subject to conditions; and

WHEREAS, on October 21, 2002, the Fauquier County Board of Supervisors approved the companion Special Exception application; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002, That the Board does approve Preliminary Plat #PP02-C-23 – White's Mill, subject to the following revised conditions:

1. The final construction plans and record plat shall be in substantial conformance with the preliminary subdivision plat prepared by Greenhorne & O'Mara, Inc. entitled "White's Mill" dated October 4, 2002 and received in the Planning Office on October 8, 2002. In addition, the plat shall be modified to meet the conditions of this preliminary plat approval or subsequent special exception approvals.
2. This approval is for a maximum of up to 158 single-family residential lots, excluding the three (3) lots proposed for administrative division under a separate application.
3. Prior to final construction plan approval, the applicant shall have received approval from the Town of Warrenton for the provision of public water and sewer to the proposed development.
4. The interparcel connection to the Mark W. and Gail Jeffries property shall be substantially in conformance with the preliminary subdivision plat. The applicant/developer shall post a sign at the interparcel connection terminus, which indicates that a future connection may be made at this location, and the homeowners' association shall maintain and ensure its continuous posting until such a connection is made. The location, size, materials and wording of said sign shall be determined by VDOT and the County prior to final construction plan approval for this section of the development.
5. The final construction plans and final plat for each phase of the subdivision shall show the floodplain limits as approved by the Federal Emergency Management Agency (FEMA) and the County Engineer.
6. In no instance shall more than 25% of the required minimum lot area for any individual residential lot be covered with floodplain. The final subdivision plat may be modified to adjust lot lines to ensure that this 25% minimum may be maintained.
7. Prior to final construction plan approval for any phase of the development that involves floodplain disturbance, the applicant shall obtain a special exception to permit the proposed floodplain disturbance. All conditions of special exception #SE02-C-23 shall be met with the final construction plans and record plat. No fill shall be permitted in the floodplain per Zoning Ordinance Section 4-405, Permitted Uses, without special exception approval.
8. Prior to final construction plan approval, the applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA), if necessitated by the proposed disturbances to the floodplain area. The applicant shall request a final Letter of Map Revision (LOMR) within 90 days of completing construction of the floodplain disturbance. An improvement bond will be required to cover the amount of the LOMR fee, as-built plans and any other requirements as outlined in FEMA's CLOMR.
9. Prior to the issuance of any land disturbing permits for any sections of this development that impact wetlands or regulated waterways, the applicant shall submit written evidence

indicating to the County Engineer that the U.S. Army Corps of Engineers and/or the Virginia Marine Resources Commission has approved any disturbance within wetland areas or other regulated waterways.

10. A minimum of 20% of the required open space shall be located outside of the floodplain, and a minimum of three (3) acres shall be so located and shall have dimensions and topography so as to be open space usable for active recreation. It is anticipated that this usable open space may be provided in the area located beyond Movern Lane across the floodplain.
11. The applicant shall work with the Parks and Recreation Department to address the proposed facilities within the open space areas.
12. Prior to final construction plan approval, the Parks and Recreation Department shall have the opportunity to review and comment on the homeowners' association documents as they relate to the recreational facilities.
13. The paved trail locations shall generally follow the alignment as shown on the preliminary plat. These trails shall be paved with a minimum of two (2) inches of asphalt over six (6) inches of stone base. These trails shall be a minimum of six (6') feet in width.
14. A. Prior to final construction plan approval, the applicant shall coordinate its trail system with the nearby proposed trail system associated with The Woods at Warrenton development and the future Fauquier County Parks and Recreation Department trail system in an effort to provide some "common linkages" within the Cedar Run stream valley. In addition, the applicant shall provide Fauquier County with a public access easement over that portion of its trail system within the Cedar Run stream valley. These paved trails shall be a minimum of eight (8') feet in width.

B. All the open space area along the Cedar Run floodplain to the property lot lines shall be dedicated free and clear of all liens and encumbrances to the County. That area encompasses the Cedar Run floodplain and environs as depicted on the Preliminary Plat pages 3 through 5a (generally east of lots 130 to 147 to Cedar Run Road, exclusive of the three (3) proposed administrative lots along Cedar Run Road). This dedication shall occur prior to any issuance of occupancy permit for lots 130 to 147. Prior to acceptance of this dedication, the applicant shall have constructed or bonded for construction all required trails, pedestrian bridges, and infrastructure improvements within the floodplain, as permitted. However, if the applicant chooses to develop a wetlands mitigation bank in this open space area, the timing of this open space area dedication to the County shall occur no later than:
 - a. The developer's completion of all development in the Subdivision, which shall be defined as construction of houses on seventy-five (75) percent of the lots within the Subdivision; or
 - b. Final approval by the U.S. Army Corps of Engineers and all other applicable federal and state agencies of the constructed wetlands bank and all "credits" have been conveyed. In no event shall dedication of said open space area be later than the five (5) year anniversary of the first final record plat approval

The County understands that the U.S. Army Corps of Engineers and other applicable environmental agencies will require the developer to impose restrictions on the use of the wetlands bank as a condition of approval. The County agrees to accept the Park subject to the restrictions. Prior to approval of the first record plat for White's Mill the developer shall submit for review and approval, a Park Agreement required for this dedication that shall be patterned after document entitled "The Woods at Warrenton Park Agreement and Grant of Trail Easement." This Park Agreement shall be recorded with the first record plat.

15. The applicant shall provide an internal system of sidewalks and/or paved trails outside the Cedar Run 100-year floodplain generally as shown on the preliminary plat with connections to the proposed common open space areas.
16. All Stormwater Management and BMP facilities shall meet the requirements of the Northern Virginia BMP Handbook and the Virginia Erosion and Sediment Control Law and the County's Stormwater Management Ordinance.
17. For Active Recreation Areas that incorporate Stormwater Management/BMP facilities, these facilities shall be designed and incorporated into the overlay recreation facility design so that they are an integral component of the recreation areas and are available for recreational activities to qualify as active recreation.
18. Prior to final construction plan approval, the applicant shall submit a detailed landscape plan as required pursuant to Section 7-600 of the Zoning Ordinance.
19. At the time of final construction plan approval; the applicant shall provide a detailed landscaping plan for the common open space along Movern Lane consistent with Exhibit B – "Movern Lane Landscape Concept" dated October 2, 2002. This plan and the associated plantings shall be in addition to the required landscape plan and plantings required pursuant to Zoning Ordinance Section 7-600.
20. At the time of final construction plan approval, the applicant shall provide a detailed landscaping plan for the common open space along the rear of Lots #152, 151, 150, and 149 consistent with Exhibit C – "25' Landscape Buffer" dated October 2, 2002. This plan and the associated plantings shall be in addition to the required landscape plan and plantings required pursuant to Zoning Ordinance Section 7-600.
21. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map soil lines onto the final plat. This shall be done in the field and checked for any additional soil information to be added to the final scale plat map.
22. A signature block shall be placed on this plat for the CPSS to sign which states:

Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated August 27, 2002.

This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=???) and certifies that this is the Best Available Soils Information to Date.

| |
|---|
| Va. Certified Professional Soil Scientist DATE CPSS #3401-_____ |
|---|

23. Interpretive information from the Type I soil report for each mapping unit shown on the above plat shall be placed on the same soil map. Also a Symbols Legend shall be placed on the plat map to identify spot symbols.
24. Statements related to soils types, below grade basements, and specific site-specific evaluations shall be placed on the same plat map, as required by the County Soil Scientist.
25. This plat shall be filed in the front office of Community Development and used exclusively for obtaining soils information for this proposed subdivision.
26. This map shall be submitted to the Soil Scientist's Office before final plat approval is made.
27. All road design and construction shall be in accordance with VDOT's Subdivision Street Requirements manual and VDOT's Road and Bridge Standards.
28. Road and other construction shall insure drainage water will not rise higher than 18" below the shoulder of proposed or existing public roads. At a minimum, culverts shall be designed to accommodate the following flood frequencies:

| | |
|------------------------------------|---------|
| Secondary and Subdivisions Streets | 10-year |
| U.S. Route 29 | 5-year |
29. All utilities placed within the highway right-of-way shall be placed on the outer three (3) to five (5) feet of the edge of the right-of-way. Manholes shall not be located in the pavement or shoulder of highways. Deviation from this condition requires prior approval by VDOT and will only be considered on a case-by-case basis.
30. At the time of final construction plan approval, Movern Lane shall be designed and constructed having 36 feet of pavement with curb, gutter, and sidewalk on both sides of the street, as required by VDOT, except the County will not require sidewalks along the open space areas between lots 152 and 153.
31. The applicant agrees to and shall, subject to working within the existing Walker Drive right-of-way and in cooperation with the Town of Warrenton, design and construct or bond for construction prior to final plat approval a southbound left-turn lane at the intersection of Academy Hill Road and Walker Drive, contingent upon the Town of Warrenton providing water and sewer service to the subdivision.
32. Trees within street rights-of-way shall not be credited towards satisfying Fauquier County's tree canopy requirements.
33. Unpaved portions of street rights-of-way shall not be credited towards open space requirements.

34. The applicant shall be required to rename White's Mill Lane to Movern Lane with the final plat.
35. At the time of final construction plan approval and if requested by the Town of Warrenton, applicant shall to contribute its proportionate share, as determined by the applicant's traffic study, toward a traffic light at the intersection of Walker Drive and Lee Street. That contribution shall be contingent upon the Town of Warrenton providing water and sewer service to the subdivision.

AN ORDINANCE APPROVING AMENDMENT TO SECTION 3-306.7 OF THE FAUQUIER COUNTY ZONING ORDINANCE, TO DELETE CONTINUING CARE FACILITIES AS A SPECIAL EXCEPTION USE IN THE VILLAGE ZONING DISTRICT AND ADD THE USE TO THE RESIDENTIAL-2, RESIDENTIAL-3, RESIDENTIAL-4 TOWNHOUSE AND GARDEN APARTMENT ZONING DISTRICTS, AMEND SECTION 5-606 (ADDITIONAL STANDARDS FOR CONTINUING CARE FACILITIES), AND AMEND SECTION 4-706 TO ADD CONTINUING CARE FACILITIES AS SPECIAL EXCEPTION USES IN THE PLANNED DEVELOPMENT MIXED USE ZONING DISTRICT

A public hearing was held to consider amending Sections 3-306.7, 4-706 and 5-506, of the Zoning Ordinance, Additional Standards for Continuing Care Facilities, by deleting the use in the Village zoning district, adding the use with special exception and site plan approval in the R-2, R-3, R-4, Planned Development Mixed Use, Townhouse and Garden Apartment zoning districts and amending the standards for such a use. Rick Carr, Director of Community Development, summarized the proposed Zoning Ordinance text amendments. Mimi Moore, Marshall District, representing Citizens for Fauquier County, spoke in opposition to the text amendment. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following Ordinance. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

| | |
|----------------------------|---|
| Ayes: | <i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i> |
| Nays: | <i>None</i> |
| Absent During Vote: | <i>None</i> |
| Abstention: | <i>None</i> |

ORDINANCE

AN ORDINANCE APPROVING AMENDMENT TO SECTION 3-306.7 OF THE FAUQUIER COUNTY ZONING ORDINANCE, TO DELETE CONTINUING CARE FACILITIES AS A SPECIAL EXCEPTION USE IN THE VILLAGE ZONING DISTRICT AND ADD THE USE TO THE RESIDENTIAL-2, RESIDENTIAL-3, RESIDENTIAL-4 TOWNHOUSE AND GARDEN APARTMENT ZONING DISTRICTS, AMEND SECTION 5-606 (ADDITIONAL STANDARDS FOR CONTINUING CARE FACILITIES), AND AMEND SECTION 4-706 TO ADD CONTINUING CARE FACILITIES AS SPECIAL EXCEPTION USES IN THE PLANNED DEVELOPMENT MIXED USE ZONING DISTRICT

WHEREAS, the Fauquier County Zoning Ordinance allows continuing care facilities as special exception uses in specified Zoning Districts; and

WHEREAS, these amendments would delete continuing care facilities as a special exception use in the Village Zoning District while adding the use to the Residential-2, Residential-3, Residential-4, Townhouse and Garden Apartment Zoning Districts; and

WHEREAS, the amendment package also would add continuing care facilities as a special exception use to the Planned Development Mixed Use Zoning District; and

WHEREAS, the amendment package also would amend the Additional Standards for Continuing Care Facilities to require location within a Service District boundary where public water and sewer utilities are available; and

WHEREAS, the amendments would delete the minimum parcel size of 100 acres to provide the Fauquier County Board of Supervisors with the flexibility of determining the appropriate parcel size for each individual special exception application for this use; and

WHEREAS, each application for continuing care facilities would be subject to special exception approval by the Board of Supervisors following Planning Commission recommendation; and

WHEREAS, site plan approval would be mandatory prior to the issuance of any zoning or building permits; and

WHEREAS, on September 26, 2002, The Fauquier County Planning Commission held a public hearing; and

WHEREAS, the Planning Commission voted unanimously to forward a recommendation for approval; and

WHEREAS, on October 21, 2002, the Fauquier County Board of Supervisors held a public hearing; and

WHEREAS, the adoption of these text amendments would be in keeping with the spirit of the Zoning Ordinance and in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 21st day of October 2002, That Section 3-306.7 of the Fauquier County Zoning Ordinance be amended to delete continuing care facilities as special exception uses in the Village Zoning District and add as a special exception use in the Village, Residential-1, Residential-2, Residential-3, Residential-4, Townhouse and Garden Apartment Zoning Districts; and, be it

ORDAINED FURTHER, That Section 5-606 (Additional Standards for Continuing Care Facilities) be amended; and, be it

ORDAINED FINALLY, That Section 4-706 of the Zoning Ordinance be amended to add continuing care facilities as a special exception use in the Planned Development Mixed Use Zoning District. The sections shall be amended to read as follows:

3-306 (INSTITUTIONAL USES)

7. Continuing Care Facility X ~~SE~~ SE SE SE SE SE SE

5-606

Additional Standards for a Continuing Care Facility

1. In the consideration of an application for such a use, the concentration of such facilities shall be taken into account to prevent clustering in certain neighborhoods, thereby creating an institutional setting and changing the area's character and social structure.
2. The location of such a use shall be restricted to parcels located within the boundaries of a Service District where public water and sewer is available.
3. No such use shall be established except on a lot fronting on, and having access to, a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
4. No such use shall be established in any area until the Fauquier County Emergency Coordinator has determined that adequate emergency medical service and fire protection is available in short response time.
5. The location for such use should be convenient to shopping, social, educational and cultural uses.
6. No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Virginia Department of Social Services, the Virginia Department of Health, and other such appropriate local, state and federal agencies which may have authority in a particular case.
7. No structure used for or in conjunction with such use shall be located closer than ~~100~~ 50 feet to any lot line ~~in any Residential or Rural District.~~
8. All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
- ~~9. Minimum parcel size is 100 acres.~~
9. All off-street parking and loading areas shall be effectively screened ~~in any Residential and Rural District.~~
10. The proposed use including all structures, roads and landscaping shall be sited, designed and constructed in a manner, which minimizes the impact of the development on the neighborhood and the County. The scale of the physical facilities shall be such that the appearance of the

project will be visually harmonious and appropriate to the neighborhood and immediate area.

The use shall minimize adverse impact on floodplains, wetlands, steep slopes, and prime agriculture and forestal land. In planning the development, the applicant shall consider prominent on-site geographic features such as outstanding trees and tree lines, stone walls, open fields within the public viewshed, ridgelines, hilltops and historic sites and shall preserve such existing features to the greatest extent possible.

PART 7 PLANNED DEVELOPMENT MIXED USE DISTRICT (PDMU)

4-706 Special Exception Uses

Civic/Government Center (excluding detention facilities), Retail Sales Establishment and Shopping Center, 5,000 sq. ft. greater, but less than 75,000 sq. ft.

Museum

Conference Center

Spectator/Non-Spectator Field Events (Class C)

Continuing Care Facility

AN ORDINANCE APPROVING AN AMENDMENT TO SECTION 13-111.3 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO REQUIRE APPLICANTS TO BE RESPONSIBLE FOR THE PLACEMENT OF THE MANDATORY PUBLIC HEARING POSTERS ON PROPERTIES INVOLVED IN LAND USE APPLICATIONS REQUIRING PUBLIC HEARING AS REQUIRED IN THE CODE OF VIRGINIA AND THE FAUQUIER COUNTY ZONING ORDINANCE

A public hearing was held to consider amending Section 13-111.3 of the Zoning Ordinance, Required Notice for Public Hearings, to require applicants to post their properties for all public hearings and change the Code of Virginia section for public hearings from 15.1-431 to 15.2-2206. Rick Carr, Director of Community Development, summarized the proposed Zoning Ordinance text amendments. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following Ordinance. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

| | |
|----------------------------|---|
| Ayes: | <i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i> |
| Nays: | <i>None</i> |
| Absent During Vote: | <i>None</i> |
| Abstention: | <i>None</i> |

ORDINANCE

AN ORDINANCE APPROVING AN AMENDMENT TO SECTION 13-111.3 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO REQUIRE APPLICANTS TO BE RESPONSIBLE FOR THE PLACEMENT OF THE MANDATORY PUBLIC HEARING POSTERS ON PROPERTIES INVOLVED IN LAND USE APPLICATIONS REQUIRING PUBLIC HEARING AS REQUIRED IN THE CODE OF VIRGINIA AND THE FAUQUIER COUNTY ZONING ORDINANCE

WHEREAS, the Fauquier County Zoning Ordinance and the Code of Virginia mandate the placement of public hearing posters on properties involved in certain land use applications to ensure proper notification; and

WHEREAS, the staff of the Department of Community currently are responsible for placement of these posters; and

WHEREAS, this Zoning Ordinance text amendment would transfer the responsibility for poster placement to the applicant or a representative; and

WHEREAS, the applicant shall submit proof the notifications were placed in accordance with mandated Zoning Ordinance and Code of Virginia timelines; and

WHEREAS, on September 26, 2002, the Fauquier County Planning Commission held a public hearing and voted to recommend approval; and

WHEREAS, on October 21, 2002, the Fauquier County Board of Supervisors held a public hearing; and

WHEREAS, this Zoning Ordinance text amendment will not take effect until January 1, 2003; and

WHEREAS, the adoption of these text amendments would be in keeping with the spirit of the Zoning Ordinance and in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 21st day of October 2002, That Section 13-111.3 of the Fauquier County Zoning Ordinance be amended to read as follows:

13-111 Required Notice for Public Hearings

No public hearing as required by the provisions of this Ordinance shall be held unless documented evidence can be presented that the following notice requirements have been satisfied.

The subject of the public hearing need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a reference to the place or places within the County where copies of the subject public hearing may be examined.

1. Publication: Public notice of any hearing shall be in accordance with Section ~~15.1-434~~ 15.2-2204, Code of Virginia.

2. Written Notice to Appellant/Applicant:

- A. With respect to an appeal from an order, requirement, decision or interpretation made by an administrative officer, the Zoning Administrator shall submit written notice to the appellant by certified mail, return receipt requested, such to be postmarked at least twenty (20) days before the date of the hearing. A copy of such notice shall be sent to the County Attorney.
- B. With respect to an appeal for a variance, the hearing body shall submit written notice to the appellant and the owner(s) of the subject property, if different from the appellant, by first class mail, such to be postmarked at least fifteen (15) days before the date of the hearing.
- C. With respect to an application for amendment to the Zoning Map, written notice to the owner/applicant shall be in accordance with Section ~~15.1-431~~ 15.2-2204, Code of Virginia.
- D. With respect to an application for a special permit or a special exception, the hearing body shall submit written notice to the applicant and owner(s) of the subject property, if different from the applicant, by first class mail such to be postmarked at least fifteen (15) days before the day of the hearing.

3. Posting:

- A. The ~~Zoning Administrator~~ Applicant shall, at least fifteen (15) days before the date of the hearing, post a notice of the Board of Supervisors, Board of Zoning Appeals and Planning Commission public hearing on the land or building involved in any rezoning, special exception, special permit application or appeal. The Applicant shall complete an affidavit that posting in accordance with these provisions was done, and shall file such affidavit with the Department of Community Development within three days after posting of the property.
- B. Said notice shall be posted at reasonable intervals along every street abutting the subject property or, if there is no abutting street, then along the exterior boundary lines of the subject property and within a distance of 300 feet along every street providing access thereto. Such signs shall be posted so as to assure the greatest public visibility practical.
- C. Said notice shall contain the date, location and time of the public hearing, the nature of the proposed change, the property affected, such other information as may be necessary to provide adequate identification of the application, and where further information on the application may be obtained. The applicable posting sign and the latter information shall be prepared by the Department of Community Development and provided to the Applicant.
- D. Said notice may be placed on private property, if such action is necessary to provide adequate posting, and all posted notices shall be removed by the applicant no later than seven (7) days after the conclusion of the hearing to which they pertain.

- E. For the purpose of distinguishing between hearing bodies, said notice shall be printed on signs of differing colors in accordance with the following schedule:

| <u>Color of Background</u> | <u>Lettering</u> | <u>Hearing Body</u> |
|-----------------------------|------------------|-------------------------|
| Red <u>White</u> | <u>Red</u> | Board of Supervisors |
| Green | <u>Black</u> | Planning Commission |
| Blue | <u>Black</u> | Board of Zoning Appeals |

- F. Said notice shall be placed on all parcels of land involved in an application or appeal, unless the hearing involves an application for a comprehensive amendment to the Zoning Map initiated by resolution of intention by the Planning Commission or the Board, or unless the hearing body may specifically waive or modify such a requirement.

- G. The Applicant shall be responsible for maintaining the signs in good condition until the public hearing, and shall replace damaged signs as soon as practical. Replacement signs will be made available through the Department of Community Development upon Applicant request. It shall be a violation of this section to damage or remove a public notice sign erected under these provisions, and each sign shall carry a warning to this effect.

4. Written Notice to Adjacent Property Owners: The Zoning Administrator shall, in accordance with the provisions of Section ~~45.1-434~~ 15.2-2204, Code of Virginia, and in accordance with the rules of the hearing body, submit notification of the public hearing to the owner, his agent or the occupant of all abutting property and property immediately across the street from the subject property, to include such abutting or adjacent properties which lie in an adjoining county or city, at least fifteen (15) days in advance of such public hearing. Such written notice shall be sent to the last known address of such owner(s) as shown on the current real estate tax assessment books. Proof of such notification shall be presented to the hearing body.

In the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessee's association respectively, in lieu of each owner.

5. Additional Notice: The hearing body may by resolution prescribe additional means and forms of notice in connection with any matter falling within its jurisdiction.

AN ORDINANCE APPROVING THE AMENDMENT TO SECTION 3-311.5 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO ADD MUSEUMS AS SPECIAL PERMIT USES IN THE VILLAGE, RESIDENTIAL-1, RESIDENTIAL-2, RESIDENTIAL-3 AND RESIDENTIAL-4 ZONING DISTRICTS WITH SITE PLAN APPROVAL AND ADD SECTION 5-1107 (ADDITIONAL STANDARDS FOR MUSEUMS)

A public hearing was held to consider amendment to Section 3-311 5, Public and Quasi-Public Uses, to allow museums in R-1, R-2, R-3 and R-4 zoning districts with special permit and

site plan approval, and amend Section 5-1107, Additional Standards for Museums, by adding standards relating to road standards, retail sales, screening and landscaping and requiring the use to be an existing historic structure. Rick Carr, Director of Community Development, summarized the proposed Zoning Ordinance text amendment. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following Ordinance. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

AN ORDINANCE APPROVING THE AMENDMENT TO SECTION 3-311.5 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO ADD MUSEUMS AS SPECIAL PERMIT USES IN THE VILLAGE, RESIDENTIAL-1, RESIDENTIAL-2, RESIDENTIAL-3 AND RESIDENTIAL-4 ZONING DISTRICTS WITH SITE PLAN APPROVAL AND ADD SECTION 5-1107 (ADDITIONAL STANDARDS FOR MUSEUMS)

WHEREAS, the Fauquier County Zoning Ordinance currently allows museums as by-right uses in the Commercial-2 and Commercial-3 Zoning Districts; and

WHEREAS, the Zoning Ordinance currently requires special permit approval for museums in the Rural Agriculture, Commercial-1, Commercial Village and Industrial-1 Zoning Districts; and

WHEREAS, these text amendments would permit museums as special permit uses in the Village, Residential-1, Residential-2, Residential-3 and Residential-4 Zoning Districts; and

WHEREAS, additional standards for museums would be added to control effects on these Residential Zoning Districts; and

WHEREAS, the new additional standards will limit museums to existing historic structures or sites in the Village and cited Residential Zoning Districts and limit the location and scope of retail sales; and

WHEREAS, the Fauquier County Board of Zoning Appeals would have the capability of examining each application individually to determine effects upon these residential districts; and

WHEREAS, site plan approval would be required; and

WHEREAS, on August 29, 2002, the Fauquier County Planning Commission held a public hearing; and

WHEREAS, on September 26, 2002, the Planning Commission voted to recommend approval of these amendments; and

WHEREAS, on October 21, 2002, the Fauquier County Board of Supervisors held a public hearing; and

WHEREAS, the adoption of these text amendments would be in the spirit of the Zoning Ordinance and be in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 21st day of October 2002, That Section 3-311.5 of the Fauquier County Zoning Ordinance be amended to add museums as uses in the Village, Residential-1, Residential-2, Residential-3 and Residential-4 Zoning Districts following special permit and site plan approval; and, be it

ORDAINED FURTHER, that Section 5-1107 (Additional Standards for Museums) be added to the Zoning Ordinance. The Zoning Ordinance shall be amended to read as follow:

3-311 (PUBLIC AND QUASI-PUBLIC USES)

| | SITE PLAN | RA | V | R-1 | R-2 | R-3 | R-4 | C-1 | C-2 | C-3 | I-1 |
|-----------|--------------|----|-----------|-----------|-----------|-----------|-----------|-----|-----|-----|-----|
| 5. Museum | X | SP | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | SP | P | P | SP |

5-1107 Additional Standards for Museum

1. Only existing historic structures or sites may be utilized as museums in the Village, Residential-1, Residential-2, Residential-3 and Residential-4 Zoning Districts.
2. The facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
3. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity, located within the existing historic structure and conducted for the participants of the site.

The BZA may require such screening, planting, fencing, preservation of trees, entrances, design of structures, or any other requirements, which will ensure the minimal impact on the use of the surrounding area and uses.

BEALETON, OPAL, AND REMINGTON AMENDMENT TO THE COMPREHENSIVE PLAN

A public hearing was held to receive public comments on proposed amendments to the Bealeton, Opal and Remington Comprehensive Plan. Richard Calderon, of the Community Development Department, provided an overview of the proposed Bealeton, Opal, Remington plan. Daniel O'Connell, representing Mrs. Zeiger, Lee District, requested that the Zeiger property remain in the service district. Sam Butler, Cedar Run, representing Mr. Long, requested that the Long property remain in the service district. Warren Early, member of the Bealeton, Opal, Remington Citizen Committee, asked the plan be accepted as presented by the Committee, without the proposed Planning Commission changes. Don Tharpe, Lee District, requested that

his property remain in the service district, and was opposed to the recommended Planning Commission changes. James Flanagan, Lee District, resident of Sumerduck Farm, spoke in support of the Great Marsh development. Gus Forbush, owner of property on Route 608, stated his preference for commercial versus residential development. Jim Dunn, Lee District, owner of property in Opal, requested that his property remain industrial. Dave Goetz, Marshall District, spoke in support of the Great Marsh development. Merle Fallon, Cedar Run District, urged the Board to expand existing service districts. Patricia Goetz, Marshall District, spoke in support of Great Marsh development. Chuck Medvitz, Scott District, expressed concern about over-development. No one else spoke. Ms. McCamy moved to continue the matter for final decision until the next regular meeting on November 18, 2002. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN, #CPA03-L-01 (formerly #CPA02-L-08), DUNN SEWER REMEDIATION

A public hearing was held to consider an amendment to the Comprehensive Plan Amendment for a remediation connection to public sewer for an existing dwelling at 10372 Marsh Road (Route 17), James Dunn, owner/applicant, PIN #6980-65-1447-000, Lee District. The property contains 4.648 acres and is zoned Rural Agriculture (RA). Rick Carr, Director of Community Development, summarized the proposed amendment. James Dunn, owner, Lee District, requested approval of the Comprehensive Plan Amendment. No one else spoke. The public hearing was closed. Ms. McCamy moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

**A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN,
#CPA03-L-01 (formerly #CPA02-L-08), DUNN SEWER REMEDIATION**

WHEREAS, Mr. James Dunn has requested that Fauquier County designate his property, located south of Opal, as a Sewer Remediation District; and

WHEREAS, the County Health Department has declared that there is no other feasible way of disposing of wastewater generated by the existing dwelling on this land; and

WHEREAS, on August 29, 2002, the Fauquier County Planning Commission held a public hearing on this application and forwarded this application to the Board of Supervisors

with a recommendation to adopt, with the conditions that such 'Remediation' is designed to serve only the existing dwelling and no future structures; and

WHEREAS, on October 21, 2002, the Fauquier County Board of Supervisors considered the written and orally presented information about the proposal and conducted a public hearing on this application; and

WHEREAS, the Board of Supervisors has determined that the proposal would advance County policy of maintaining health in the Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002, that the Dunn property, PIN #6980-65-1447-000, be designated a Sewer Remediation District and added to Table 9.6c, Sewer / Water Remediation Districts, of the Comprehensive Plan; and, be it

RESOLVED FURTHER, That the James Dunn property be subject to the following conditions regarding the extension of sewer service:

1. The approval is only to serve the existing dwelling, and no future structures.
2. The applicant shall meet all Building Code, Health Department and Fauquier County Water and Sanitation Authority requirements for connection to the public sewer.

The approval is only being granted to the applicant due to hardship, with no reasonable alternative for wastewater disposal available to the existing residence.

A RESOLUTION ESTABLISHING THE FAUQUIER COUNTY PROFFER POLICY FOR RESIDENTIAL ELEMENTS OF REZONING APPLICATIONS

A public hearing was held to consider a proposed amendment for the Board of Supervisor's Policy regarding Guidelines for Proffers, adopted August 7, 1990. Rick Carr, Director of Community Development, gave a summary of the proposed amendment. James Downey, representing the Northern Virginia Builders Association, spoke in opposition to the proffer policy amendment. Chuck Medvitz, Scott District, spoke in favor of the proposed proffer policy amendment. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

| | |
|----------------------------|--|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION ESTABLISHING THE FAUQUIER COUNTY PROFFER POLICY FOR RESIDENTIAL ELEMENTS OF REZONING APPLICATIONS

WHEREAS, on March 18, 2002, the Board of Supervisors requested that the Planning Commission update the 1999 Proffer Policy Analysis Report and provide recommendations; and

WHEREAS, the Planning Commission reviewed and updated the Proffer Policy Analysis Report and prepared a Proffer Policy regarding residential development and its public infrastructure costs for consideration; and

WHEREAS, on September 26, 2002, the Planning Commission conducted a public hearing on the Proposed Proffer Analysis Report and Proffer Policy; and

WHEREAS, the Planning Commission forwarded the Proposed Proffer Policy to the Board of Supervisors with a unanimous recommendation for adoption; and

WHEREAS, on October 21, 2002, the Fauquier County Board of Supervisors held a public hearing to receive citizen comments; and

WHEREAS, the Board of Supervisors finds this Proffer Policy provides another refined tool with which to deal with infrastructure costs generated through proposed residential rezoning applications, and is in the best interest of the citizens of Fauquier County and; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002, That the Proffer Policy presented below shall apply to all residential elements for any rezoning application.

FAUQUIER COUNTY, VIRGINIA
BOARD OF SUPERVISORS PROFFER POLICY

A. General Guidelines

1. Pursuant to this policy, staff will (i) calculate the annual net cost of public facilities, (ii) calculate the fiscal impact of a rezoning request that permits residential uses and (iii) administer the collection and expenditure of proffered funds. The Board will accept cash proffers for rezoning requests that permit residential uses in accordance with this policy. However, the Board may also accept cash, land or in-kind improvements in accordance with County and State law. Staff will provide a recommendation for a maximum proffer based upon this policy.
2. Historic experience has demonstrated that revenue derived from residential growth (residential and commercial real estate taxes, sales taxes, fees, and associated revenue sources) typically will not pay all of the normal operating costs for service delivery to residents of new developments, with no funds remaining to compensate for the cost of public facilities needed to serve these residents. State and County laws permit the Board to accept cash proffers to fund the public facility needs generated by any new residential development.
3. In determining the net cost per dwelling unit of a public facility, staff relies on Countywide averages, where possible. In addition, staff will consider the five components described below, as well as any other unique circumstances that might qualify, related to an individual zoning case.
4. To determine how and where a proffer will be spent, the County is divided into service districts. For facilities which have a Countywide service implication, (for example,

parks, libraries and fire & rescue stations), the proffer may be spent Countywide. For roads and schools, the proffer will generally be spent within the associated school service areas as described below, except in circumstances, which warrant otherwise.

5. The following public facilities will be funded by cash proffers: schools, roads, parks, libraries, fire and rescue facilities, and sheriff facilities. The County does not currently accept cash proffers to fund public facilities such as jails, and other government facilities.

B. Methodology and Policy Terms

1. There are five "components" involved in calculating what a new dwelling unit will cost the County in terms of providing public facilities. The components are as follows:
 - a. Demand generators - Staff uses the weighted average of single family and multi-family persons per household (2.75 FY 2002) and an average number of students per household (.75 for FY 2002) to calculate demand generators (number of people and number of students) associated with a new dwelling unit.
 - b. Service levels - Staff calculates existing service levels for each type of facility for which a cash proffer will be accepted (Service levels are calculated annually)
 - c. Gross cost (replacement) of public facilities. - Staff calculates the gross cost of public facilities. The term gross cost is used because a credit (described in (d) below) for anticipated future revenues from a new dwelling unit would be applied against the gross cost.
 - d. Credits - Staff calculates a credit to apply against the gross cost for each public facility. Fauquier County has issued and plans, dependent upon fiscal constraints, to continue to issue general obligation bonds to finance the construction of public facilities. Residents of new developments will pay real estate taxes to the County and a portion of these taxes will go to help retire this debt. So that new dwelling units are not paying twice, once (through payment of a cash proffer and again through real estate taxes) a credit is computed.
 - e. Net cost - Staff calculates the net cost per public facility or maximum cash proffer. This is the gross cost per public facility minus the applicable credit per public facility.
2. There must be a relationship between the rezoning itself and the need for a public facility. In order to ensure that money proffered by an applicant is used to fund the public facilities necessitated by the development, service areas or districts are established across the County.
 - a. Since parks, libraries, and fire and rescue stations serve areas greater than a specific service district, the geographic service areas for these facilities are determined to be Countywide. Rezoning requests can be analyzed on a Countywide basis to determine their impact on these facilities and proffers may be spent to fund these facilities Countywide.
 - b. Rezoning requests can be analyzed on a Countywide basis to determine their impact on schools. In order to ensure that money proffered by an applicant is used to fund the public facilities necessitated by the development, the County

is divided into two school service areas corresponding to the attendance zones of grouped high schools.

Service Area One corresponds to the combined attendance zone for Fauquier High School and all its feeder elementary and middle schools. Service Area Two corresponds to the combined attendance zone for Liberty High School and its feeder elementary and middle schools. Funds collected from a development within a District will be spent on school improvements within that District or for any school improvement, which provides relief for the District within which the development is located.

- c. With respect to public streets, rezoning requests shall be analyzed based on project consistency with the Comprehensive Plan, VDOT recommendations, and the Traffic Impact Analysis (TIA). Residential rezoning applications, with average daily trip generation rates of 1,000 or greater, or due to other VDOT threshold requirements, will be required to submit a TIA, which examines VDOT/County designated offsite intersections, existing traffic conditions, future traffic conditions (without and with the project), level of service impacts at specified phases, and recommended improvements and/or other mitigation measures.

Proffered improvements must be timed with proffered phases and associated threshold residential unit totals. Proffered cash contributions for transportation improvements shall be placed in specified County accounts to ensure expenditure for those identified improvements.

3. In some instances, a rezoning applicant may wish to diminish the development's calculated impact on public facilities by dedicating property or doing in-kind improvements in lieu of all or a portion of the cash proffer. Land conveyed for County facilities shall be deeded to the County or its designee. The value of donated land generally will be based on the current assessed value of the property, not to exceed the cost per acre used in the calculation of the proffer (not the estimated value after rezoning).

The value of improvements shall be the estimated cost if constructed by a governmental entity. If the dedication or in-kind improvement does not fully alleviate the development's calculated impact on public facilities, then the dedication and/or improvement's value may be applied as a credit against the development's calculated impact on the applicable public facility. The credit cannot exceed the development's calculated impact on the applicable public facility.

4. Fauquier County will continue to consider any unique circumstances about a proposed development that: (i) mitigate the development's projected impact on public facilities; and (ii) create a demonstrable reduction in capital facility needs. Unique circumstances may include, but not be limited to, participation in regional road projects and affordable housing projects. Either the County or the applicant may identify such projects and present the justification for Board of Supervisors consideration.

5. Payment of the cash proffer for residential development must occur prior to release of a building permit. Timing for dedication of property or in-kind improvements should be specified in the proffer statement.
6. Proffered conditions shall provide for disposition of real property or cash in the event the property or cash payment is not used for the purposes for which tendered.
7. Adjustments in the cash proffer amount may be considered every fiscal year. Staff will re-compute net costs based on the current methodology and recommend adjustments. Any adjustments would be effective upon adoption, but no sooner than July 1 of the new fiscal year.
8. The maximum cash proffer that the Board of Supervisors will accept from residential rezoning applicants is \$14,730 per dwelling unit. The proffers should identify an appropriate index, such as the Consumer Price Index, to provide an adjustment for inflation. It needs to be noted that this total does not include the cost of offsite road improvements proffered by the applicant, or other utility requirements under the auspices of the Fauquier County Water and Sanitation Authority.

| <u>FACILITY</u> | <u>ELS**per unit</u> |
|----------------------------------|----------------------|
| SCHOOLS | \$11,890 |
| Parks and Recreation | \$730 |
| Libraries | \$303 |
| Fire and Rescue | \$1,363 |
| Sheriff | \$389 |
| Transportation* | not applicable |
| Environmental Services: Landfill | \$179 |
| Totals | \$14,854 |
| Credit: Debt Service | (\$124) |
| Credit: Non-local tax** | \$0 |
| Adjusted Total | \$14,730 |

* Transportation is based on traffic impact analysis for each application and consistency with the adopted Comprehensive Plan recommendations regarding the public road network.

** School cost is multiplied times 0.75%, which represents the local government share and 0.94% for other public facilities. This calculation results in the deduction for State and Federal contributions.

AN ORDINANCE AMENDING SECTION 13.5-3 OF THE CODE OF FAUQUIER COUNTY TO ADD SUBSECTION (D) PROHIBITING EXCESSIVE NOISE CAUSED BY ENGINE BRAKING EXCEPT FOR RESPONDING TO BONA FIDE EMERGENCY OCCURRENCES

A public hearing was held to consider a proposed Ordinance amending Section 13.5-3 of the Code of Fauquier County to add subsection (D) prohibiting excessive noise caused by engine braking, except for responding to bona fide emergency occurrences. Paul McCulla, County Attorney, provided a summary of the proposed Ordinance amendment. Jon Whichard, Center District; Mark Oberman, Center District; Russell Teal, Marshall District; Jack Montgomery Center District; and Bob Tulley, Center District, spoke in favor of the proposed amendment. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following Ordinance. Ms. McCamy seconded, and the vote for the motion was unanimous, as follows:

Ayes: **Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks**
Nays: **None**
Absent During Vote: **None**
Abstention: **None**

ORDINANCE

AN ORDINANCE AMENDING SECTION 13.5-3 OF THE CODE OF FAUQUIER COUNTY TO ADD SUBSECTION (D) PROHIBITING EXCESSIVE NOISE CAUSED BY ENGINE BRAKING EXCEPT FOR RESPONDING TO BONA FIDE EMERGENCY OCCURRENCES

WHEREAS, the Board of Supervisors of Fauquier County has received complaints regarding the use of engine braking on the roads within the County; and

WHEREAS, after due notice and public hearing, the Board of Supervisors has determined that the noise caused by engine braking is injurious to the health, safety and welfare of the residents of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 21st day of October, 2002, That Section 13.5-3 of the Code of Fauquier County be, and is hereby, amended to add Subsection (d) to read as follows:

(d) *Engine Braking.* The creation of any unreasonably loud, disturbing or unnecessary noise caused by the application of engine brakes by any driver of a motor vehicle and is not as of a result a bona fide emergency occurrence necessitating the application of an engine brake. Any violation of this subsection shall constitute a Class 1 misdemeanor, which misdemeanor is punishable by a fine of not more than \$2,500, or confinement in jail for not more than twelve months, or both.

; and, be it

ORDAINED FURTHER, That the Board of Supervisors states its intent that any funds generated by fines for violating this Ordinance be dedicated to alleviation of truck traffic noise at the Virginia Department of Transportation truck weigh stations located in Fauquier County.

A RESOLUTION TO AMEND THE FY 2002 ADOPTED BUDGET IN THE AMOUNT OF \$20,100 AND THE FY 2003 ADOPTED BUDGET IN THE AMOUNT OF \$1,581,925

A public hearing was held to consider amending the FY 2002 adopted budget in the amount of \$20,100 and the FY 2003 adopted budget in the amount of \$1,581,925 for various

budget related issues including, but not limited to, the Environmental Services Enterprise Fund and Emergency Radio System Debt Service. Bryan Tippie, Budget Office Director, gave a summary of the proposed amendment. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous, as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AMEND THE FY 2002 ADOPTED BUDGET IN THE AMOUNT OF \$20,100 AND THE FY 2003 ADOPTED BUDGET IN THE AMOUNT OF \$1,581,925

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2002 Budget on March 19, 2001 and FY 2003 Budget on March 25, 2002; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee has recommended FY 2002 appropriation of \$20,100 and FY 2003 appropriation of \$1,581,925 for the purposes set forth below; and

WHEREAS, the Code of Virginia requires local jurisdictions to hold a public hearing, which is scheduled for October 21, 2002, for any amendment to the adopted budget exceeding the lesser of \$500,000 or 1% of the total budget; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of October 2002, That the Fauquier County FY 2002 Budget be amended in the amount of \$20,100 and the FY 2003 Budget be amended in the amount of \$1,581,925 as follows:

| Source | FROM Code | Amount | Department | TO Code | Amount |
|----------------|---------------------------|---------------|--------------------|-----------------------|---------------|
| FY 2002 | | | | | |
| State Funds | 3-100- 244100- 0150 | \$839 | Sheriff's Office | 4-100-031240- 8201 | \$839 |
| Federal Funds | 3-100- 031000- 0056 | \$10,359 | Sheriff's Office | 4-100-031200- 1201 | \$10,359 |
| Federal Funds | 3-100- 331000- 0040 | \$3,382 | Sheriff's Office | 4-100-031200- 1201 | \$3,382 |
| Federal Funds | 3-100- | \$5,520 | Juvenile Probation | 4-100-033410- | \$5,520 |

| | | | | | |
|------------------------|-------------------|-----------|--|------------------------------|-----------|
| | 332000-0002 | | | 3160 | |
| FY 2003 | | | | | |
| Fund Balance Carryover | 3-100-419000-0010 | \$9,730 | Sheriff's Office | 4-100-031240-8201 | \$9,730 |
| Fund Balance Carryover | 3-100-419000-0010 | \$2,378 | Sheriff's Office | 4-100-031200-3311 | \$2,378 |
| State Funds | 3-100-244100-0041 | \$4,703 | Sheriff's Office | 4-100-031265-8201 | \$4,703 |
| Fund Balance Carryover | 3-100-419000-0010 | \$14,133 | Social Services | 4-100-053190-1101 | \$10,000 |
| | | | | 4-100-053190-2100 | \$765 |
| | | | | 4-100-053190-1301 | \$3,368 |
| Fund Balance | 3-513-419000-0020 | \$900,000 | Environmental Services | 4-513-042731-8301 | \$900,000 |
| Fund Balance Carryover | 3-100-419000-0010 | \$2,729 | Geographic Information Systems | 4-100-013010-8207 | \$2,729 |
| Fund Balance Carryover | 3-100-419000-0010 | \$3,500 | Economic Development Information Resources | 4-100-081500-6001 | \$1,750 |
| | | | | 4-100-012511-8212 | \$1,750 |
| Fund Balance | 3-270-419000-0010 | \$11,799 | Emergency Services | 4-271-34100-8205 | \$11,799 |
| Federal Funds | 3-205-332000-0040 | \$7,848 | School Division | 4-205-61100-6013-300-005-475 | \$7,848 |
| Federal Funds | 3-205-332000-0024 | \$22,733 | School Division | 4-205-61100-8200-300-005-480 | \$22,733 |
| Federal Funds | 3-205-332000-0031 | \$10,367 | School Division | 4-205-61100-1121-200-005-415 | \$9,000 |
| | | | | 4-205-61100-2100-200-005-415 | \$640 |
| | | | | 4-205-61100-6013-200-005-415 | \$636 |
| | | | | 4-205-61100-8200-200-005- | \$91 |

| | | | | | |
|------------------------|-------------------|--------------------|------------------------------|------------------------------|--------------------|
| Local Donation | 3-205-189903-0001 | \$7,000 | School Division | 4-205-61325-6013-200-001-000 | \$7,000 |
| Federal Funds | 3-205-332000-0034 | \$1,473 | School Division | 4-205-61100-8100-200-002-000 | \$1,473 |
| Fund Balance Carryover | 3-100-419000-0010 | \$577,396 | Budget Office (Debt Service) | 4-100-095200-9110 | \$315,000 |
| | | | | 4-100-095200-9120 | \$262,396 |
| Fund Balance Carryover | 3-100-419000-0010 | \$6,136 | Library (CIP) | 4-302-094840-8215 | \$6,136 |
| TOTAL | | \$1,602,025 | TOTAL | | \$1,602,025 |

AN ORDINANCE AMENDING SECTION 7-2 OF THE CODE OF FAUQUIER COUNTY TO CHANGE VARIOUS VOTING PLACES WITHIN THE COUNTY

A public hearing was held to consider amendment to Section 7-2 of the Code of Fauquier County to change various voting places within Fauquier County. Tony Hooper, Assistant County Administrator, gave a summary of the proposed amendment. Tom Reese, Center District, stated that public access to polling places should be wheelchair accessible. No one else spoke. The public hearing was closed. Mr. Graham moved to table a decision on the matter until the next regular meeting on November 18, 2002. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

With no further business, the meeting was adjourned.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on October 21, 2002.

G. Robert Lee
Clerk